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07                   UNITED STATES DISTRICT COURT  
08                   WESTERN DISTRICT OF WASHINGTON  
09                   AT SEATTLE

10                   UNITED STATES OF AMERICA,                 )  
11                   Plaintiff,                                      )  
12                   v.    ) Case No.: 05-191M  
13                   ERIBERTO GUTIERREZ,                      ) DETENTION ORDER  
14                   Defendant.                                  )  
15 \_\_\_\_\_)

16                   Offense charged:

17                   Possession with Intent to Distribute Cocaine (21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2).

18                   Date of Detention Hearing: Initial appearance, April 22, 2005.

19                   The Court conducted a detention hearing pursuant to 18 U.S.C. § 3142(f). Based upon  
20 the factual findings and statement of reasons for detention hereafter set forth, the Court finds that  
21 no condition or combination of conditions which defendant can meet will reasonably assure the  
22 appearance of defendant as required.

23                   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

24                   (1) In the Pretrial Services Report of April 22, 2005, criminal records are cited that  
25 reflect several prior offenses, including two previous charges of distribution of methamphetamine  
26 and marijuana.

01           (2)     The defendant has stipulated to detention due to the detainer placed on defendant  
02 by the Bureau of Immigration and Customs Enforcement, but reserved the right to file a  
03 subsequent motion for release if there is a change of circumstances.

04           (3)     Defendant appears to have no substantial ties to the community or to the Western  
05 District of Washington.

06           (4)     No conditions or combination of conditions are apparent that will reasonably  
07 assure the defendant's appearance at future Court hearings.

08           IT IS THEREFORE ORDERED:

09           (1)     Defendant shall be detained pending trial and committed to the custody of the  
10              Attorney General for confinement in a correction facility separate, to the extent  
11              practicable, from persons awaiting or serving sentences or being held in custody  
12              pending appeal;

13           (2)     Defendant shall be afforded reasonable opportunity for private consultation with  
14              counsel;

15           (3)     On order of a court of the United States or on request of an attorney for the  
16              government, the person in charge of the corrections facility in which defendant is  
17              confined shall deliver the defendant to a United States Marshal for the purpose of  
18              an appearance in connection with a court proceeding; and

19           (4)     The Clerk shall direct copies of this Order to counsel for the United States, to  
20              counsel for the defendant, to the United States Marshal, and to the United States  
21              Pretrial Services Officer.

22           DATED this 25th day of April, 2005.  
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25           /s/ JAMES P. DONOHUE  
26           United States Magistrate Judge